IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 7687 of 2007(M)

PETITIONER:

M.SATHYAPALAN, S/O.UNNIKUTTY,
AGED 47 YEARS, RESIDING AT "DEV", COLLGE ROAD,
KOTTAKKUNNU, P.O.SULTHAN BATHERY,
WAYANAD DISTRICT, SENIOR MEDICAL OFFICER,
GOVERNMENT AYURVEDIC DISPENSARY, KALLOOR,
NOOLPUZHA P.O.

BY ADV. SRI.P.K.RAMKUMAR
SMT.ANITHA RAMKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, HEALTH & FAMILY WELFARE
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDIAN SYSTEMS OF
MEDICINE, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.7687 of 2007

Dated this the 27th day of March, 2007

JUDGMENT

The challenge is to Ext.P1 order promoting 18 persons to the post of Senior Medical Officers under the Directorate of Indian Systems of Medicine. There are 18 officers thus promoted as Senior Medical Officers. Serial number allotted to the petitioner in Ext.P1 is 14. It is contended that the serial number of the petitioner ought to have been No.2 instead of 14 and therefore Ext.P1 is legally infirm.

2. Though the petitioner has prayed for a blanket direction to set aside Ext.P1, not a single Senior Medical Officer among whose names are shown in that order and are the beneficiaries of Ext.P1 order, is on the party array as respondents in this writ petition. The post of Senior Medical Officer is a selection post. It is only to be presumed that G.O.(P)No.118/06/H&FWD dtd.3.7.2006 read as Ext.P1 could only be a notification

publishing the select list of feeder category members who were found fit to be promoted to the post of Senior Medical officer. Unless the petitioner challenges and takes up contentions against that notification, he cannot succeed in his challenge against Ext.P1 order. The petitioner has no case that in the select list thus published Sl.Nos.1 to 13 are shown below his name. It is not even known whether the petitioner finds a place in the select list. However, as he has been promoted as No.14 as per Ext.P1, the petitioner's name may be there in that select list.

3. This writ petition has been filed without producing necessary materials and also without challenging proceedings which have come into existence leading toExt.P1 order. It is for the petitioner to challenge orders including GO(P)118/06/H&FWD dtd.3.7.06, if so advised. It is also for him to file a fresh writ petition impleading necessary respondents, if he wants to question the alleged illegal action of the respondents, successfully. Without prejudice to that right of the petitioner, this writ petition is dismissed.

K.K.DENESAN, JUDGE

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